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September 23, 2021

BY EMAIL AND REGULAR MAIL

Pamela Tames, P.E.
Remedial Project Manager
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
290 Broadway, 19th Floor
New York, New York 10007-1866

**Re: Pierson's Creek Superfund Site - Newark, New Jersey
Request for Information Pursuant to 42 U.S.C. § 9601-9675-
The Morris Companies
Our File No.: 9115.3000**

Dear Ms. Tames:

This office is responding to that certain Request for Information dated August 20, 2021 pursuant to 42 U.S.C. §§ 9601-9675 relating to the Pierson's Creek, Superfund Site in Newark, New Jersey ("Information Request") from the U.S. Environmental Protection Agency and addressed to The Morris Companies. Please be advised that "The Morris Companies" is merely a trade name that is owned by Morris Companies, Inc. ("Morris Companies"). Morris Companies has never itself owned any real estate and holds only one asset, the trade name, The Morris Companies. Notwithstanding the foregoing, in an effort to respond to the request for information and cooperate with EPA, certain officers of Morris Companies are able to provide certain information to EPA based on their former knowledge and information obtained as the former officer(s) of Morris Wilson Avenue Associates, LLC ("Morris Wilson"), Morris Newark Wilson Associates, LLC ("Morris Newark"), and Morris Realty Associates, LLC ("MRA").

Morris Companies makes the following general qualifications and objections to EPA's Information Request:

- It objects the Request insofar as Morris Companies, Inc. d/b/a The Morris Companies has never owned the Property;

- It objects to the Request insofar as it seeks privileged information, including any and all communications and documents that are protected from disclosure by either the attorney-client privilege or attorney-work product doctrine;

- It objects to the Request to the extent it seeks information beyond the scope of EPA's authority under CERCLA §§ 9601(10), 9601(14) and 9601(33);

- It objects to the Request to the extent that it is vague, ambiguous, overbroad or unduly burdensome;

- It reserves the right to supplement and revise their response, and reserves the right to assert additional objections as it continues to evaluate its response.

Notwithstanding the foregoing, and without waiving any of the foregoing qualifications and objections, Morris Companies responds to each numbered request below.

REQUEST FOR INFORMATION

REQUEST NO. 1:

Please answer the following questions with respect to The Morris Companies:

- a. State the legal name of the company.
- b. State the name and address of the president or the chairman of the board, or other presiding officers of the company.
- c. Identify the state of incorporation of the company and the company's agent for service of process in the state of incorporation and in New Jersey.
- d. State whether The Morris Companies is a subsidiary or affiliate of another company. If so, please identify the name of each such related company. For each related company, describe the relationship to The Morris Companies and indicate the date and manner in which each relationship was established.

RESPONSE:

- a. Morris Companies, Inc. d/b/a The Morris Companies.
- b. Morris Companies has an address located at 350 Veterans Blvd, Rutherford, New Jersey 07070.
- c. Morris Companies Inc. is a New Jersey corporation. Its agent for service in New Jersey is CT Corporation.

d. Morris Companies, Inc. is not an affiliate or subsidiary of any other company. Morris Companies has never owned nor operated at the Property. Morris Wilson was formed in 2004 as a single purpose entity and wholly-owned subsidiary of Morris Realty Associates, LLC (“MRA”) in order to acquire title to the Property. Morris Wilson held title to the Property from 2004 until 2006. Morris Newark was formed in January 2006 as a single purpose entity and wholly-owned subsidiary of MRA. In 2007, following a transfer of the property to Morris Newark in connection with obtaining bank financing, Morris Wilson became inactive as a corporate entity and was ultimately reinstated and officially dissolved in 2017. Morris Newark has held title to the Property since January 2006. MRA was acquired by Prologis, L.P. in October 2015. In October 2015, 100% of the membership interests in MRA, together with all of MRA’s 100% membership interests in Morris Newark, were acquired by Prologis, L.P. as part of an UPREIT transaction. In or shortly after October 2015, by way of corporate name change, Morris Newark became known as Prologis Newark Wilson Associates, LLC (“Prologis Newark”).

REQUEST NO. 2.

Did The Morris Companies own the Property? If so, from whom did The Morris Companies purchase the Property and in which year? Please describe the relationship, if any, between the Morris Companies and any of the parties that owned or operated at the Property prior to The Morris Companies.

a. Please provide a copy of The Morris Company’s deed or deeds to the Property. If the Property is held in the name of another entity, please identify the name of the entity, its relationship to The Morris Companies and list the company president or chairman of the board or other presiding officers of that company.

b. If this information has not already been previously provided in your responses to the questions above, please describe how Albert Steel Drum is or was connected to the Property and if Albert Steel Drum has or had any relationship with Morris.

c. If this information has not already been previously provided in your responses to the questions above, please describe how Prentiss Drug and Chemical Company is or was connected to the Property and if Prentiss Drug and Chemical Company has or had any relationship with Morris Newark.

d. If this information has not already been previously provided in your responses to the questions above, please describe how Tony Pallet, Inc. is or was connected to the Property and if Tony Pallet, Inc. has or had any relationship with The Morris Companies.

e. If applicable, provide a list of any tenants who operated at the Property while The Morris Companies owned it. Describe the nature of business and activities performed by each tenant and/or operator at the Property.

RESPONSE:

Morris Wilson Avenue Associates, LLC purchased the Property from Tony Pallet Two, Inc. in 2004.

a. See May 5, 2004 Deed between Tony Pallet Two, Inc. and Morris Wilson Avenue Associates, LLC, attached as Annex A.

b. Morris Wilson and Morris Newark have never had any relationship with Albert Steel Drum and are without direct knowledge or information regarding how Albert Steel Drum is or was connected to the Property.

c. Morris Wilson and Morris Newark have never had any relationship with Prentiss Drug and Chemical Company and are without direct knowledge or information regarding how Prentiss Drug and Chemical Company is or was connected to the Property.

d. Morris Wilson Avenue Associates, LLC acquired the Property from Tony Pallet Two, Inc. See response to Request No. 2.a above.

e. FedEx Corporation (Fed Ex) has been the only tenant at the Property while Morris Wilson and Morris Newark owned it. Fed Ex operates a Terminal Facility at the Property.

REQUEST NO. 3.

Describe all investigations and/or remediation of the Property that The Morris Companies undertook prior to acquiring it as well as during the ownership. Provide all reports, permits, sampling results, remediation plans, and correspondence relating to the operations, environmental conditions, and the status of any investigations/remediation efforts at the Property. Please include with your answer to this question:

a. Any documentation and sampling data related to the storage, use, removal, and disposal of chemical storage drums located at the Property;

b. Any documentation and sampling data related to any fill located at the Property;

c. Any documentation and sampling data related to any drainage ditches or culverts located on the Property; and

d. The federal, state, and/or local authority under which such investigations and/or remediation were carried out, and whether a Licensed Site Remediation Professional or other environmental professional was engaged in connection with the work.

RESPONSE:

Investigations and remediation of the Property undertaken on behalf of Morris Wilson and Morris Newark are described in the following reports:

Supplemental Groundwater Remedial Investigation Report/Remedial Action Workplan dated January 2020, Off-Site Preliminary Assessment Report dated December 2020, and June 2009 Groundwater Status Report. Additionally, a groundwater remedial action involving the monitoring of arsenic in groundwater on a quarterly basis is presently ongoing under the oversight of James P. Mack, LSRP. These investigations and remediation activities have been performed pursuant to and in accordance with the Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq. and the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. and the regulations promulgated thereunder at N.J.A.C. 7:26C-1 et seq. and N.J.A.C. 7:26E.

REQUEST NO. 4.

Was there a groundwater Classification Exception Area ("CEA") filed during the time The Morris Companies owned the Property? Please provide all relevant information.

RESPONSE:

Two groundwater Classification Exception Areas ("CEAs") have been filed for the Property; one for Historic Fill was filed in 2014 and a second was filed for Arsenic in 2019. See the NJDEP Classification Exception Area/Well Restriction Area ("CEA/WRA") Fact Sheet Forms attached as Annex B.

REQUEST NO. 5.

Regarding any drainage ditches or culverts currently and formerly located on the Property while The Morris Companies owned it:

- a. Please describe the location of such ditches or culverts and where each ditch or culvert drains to.
- b. Please describe the type and annual amount of materials and/or substances that drained into such ditches or culverts while The Morris Companies has owned or operated at the Property. Provide any documentation and information related to the type of material and/or substances which entered and subsequently drained from the Property's ditches or culverts.

RESPONSE:

- a. See the May 27, 1981 Housing Authority - City of Newark Subdivision Plat Map and April 2005 Aerial Photo of the Albert Steel Drum Site, attached as Annex C.

b. See the December 2004, April 2005, and November 2005 Aerial Photos attached as Annex D. There were no ditches or culverts in existence while Morris Newark owned or operated at the Property.

REQUEST NO. 6.

Did The Morris Companies make any improvements to or utilize any institutional/engineering controls on the Property? If so, please describe the improvements and/or institutional/engineering controls and provide all related documents and information, including but not limited to the location of such improvements and/or institutional/engineering controls and the materials utilized.

RESPONSE:

The Property was redeveloped as a Fed Ex Terminal Facility. Fed Ex took possession of the Property pursuant to a lease in or about November 2005. See the November 2005 Aerial Photograph and 2017 Deed Notice and related documentation attached as Annex E.

REQUEST NO. 7.

Were any sewer systems located on the Property connected to the Passaic Valley Sewerage Commission ("PVSC") during the time The Morris Companies owned or operated at the Property? If so, please provide all related documents and information, including but not limited to, the date from which the sewer system was connected to the PVSC.

RESPONSE:

Neither Morris Wilson nor Morris Newark has any information regarding any connection to the PVSC. We understand that such information has been requested from Fed Ex, the Tenant, by the current Property owner.

REQUEST NO. 8.

Please describe The Morris Company's business operations at the Property.

RESPONSE:

Other than redevelopment, Morris Wilson and Morris Newark did not conduct any operations at the Property. The only tenant at the Property since its redevelopment has been Fed. Ex.

REQUEST NO. 9.

Did The Morris Companies ever receive, utilize, manufacture, discharge, release, store, dispose of or otherwise handle any hazardous substances, pollutants or contaminants at the Property? If the answer to the preceding question is anything but an unqualified "no," identify:

a. In general terms, the nature and quantity of the hazardous substances, pollutants or contaminants so received, utilized, manufactured, discharged, released, stored, disposed of, or otherwise handled.

b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance, pollutant or contaminant.

c. The persons/entities who supplied/continue to supply The Morris Companies with each such hazardous substance, pollutant or contaminant.

d. How, when, and where each such hazardous substance, pollutant or contaminant was received, utilized, manufactured, discharged, released, stored, disposed of, or otherwise handled.

e. The quantity, calculated per year, of each such hazardous substance, pollutant or contaminant received, utilized, manufactured, discharged, released, stored, disposed of, or otherwise handled.

RESPONSE:

No.

REQUEST NO. 10.

Did The Morris Companies or any prior owner receive, utilize, manufacture, discharge, release, store or dispose of any materials containing any of the following substances at the Property:

- a. 1, 1- Dichloroethane (Yes/No)?
- b. 1, 1, 1- Trichloroethane (Yes/No)?
- c. 2, 3, 7, 8 — tetrachlorodibenzo-p-dioxin (Yes/No)?
- d. Other dioxin compounds (Yes/No)?
- e. Aldrin (Yes/No)?
- f. Antimony (Yes/No)?
- g. Arsenic (Yes/No)?
- h. Benzene (Yes/No)?
- i. Cadmium (Yes/No)?

- j. Chromium (Yes/No)?
- k. Chlordane (Yes/No)?
- l. Dichloro-diphenyl-trichloroethane (DDT) (Yes/No)?
- m. Dieldrin (Yes/No)?
- n. Ethyl benzene (Yes/No)?
- o. Iron (Yes/No)?
- p. Lead (Yes/No)?
- q. Lindane (Yes/No)?
- r. Manganese (Yes/No)?
- s. Mercury (Yes/No)?
- t. Naphthalene (Yes/No)?
- u. Other volatile organic compounds (VOCS) (Yes/No)? If "Yes," please list the specific compounds.
- v. Other semi-volatile organic compounds (SVOCs) (Yes/No)? If "Yes," please list the specific compounds.
- w. Pentachlorophenol (Yes/No)?
- x. Perfluorooctanoic acid (PFOA) (Yes/No)?
- y. Perfluorooctanesulfonic acid (PFOS) (Yes/No)?
- z. Other Per- and polyfluoralkyl substances (PFAS) (Yes/No)? If "Yes," please list the specific compounds, if known.
- aa. Polyaromatic Hydrocarbons (PAHs) (Yes/No)? If "Yes," please list the specific compounds.
- bb. Polychlorinated biphenyls (PCBs) (Yes/No)? If "Yes," please list the specific Aroclors or other formulations.
- cc. Silver (Yes/No)?

dd. Toluene (Yes/No)?

ee. Total Petroleum Hydrocarbons (TPH) (Yes/No)?

ff. Vinyl Chloride (Yes/No)?

gg. Xylene (Yes/No)?

hh. Zinc (Yes/No)?

RESPONSE:

As to Morris Wilson and Morris Newark, no. As to prior owners, Morris Wilson and Morris Newark are without direct knowledge or information regarding any receipt, use, manufacture, discharge, release, storage or disposal of any materials containing any of the above listed substances at the Property.

REQUEST NO. 11.

Describe any methods of collection, storage, treatment, and disposal of all hazardous substances, pollutants or contaminants at the Property utilized by The Morris Companies, including, but not limited to, the substances identified in your responses to questions 9 and 10.

RESPONSE:

See the responses to Requests Nos. 9 and 10.

REQUEST NO. 12.

Were any hazardous substances, pollutants or contaminants, including, but not limited to, the substances identified in your responses to questions 9 and 10, above, disposed of in or discharged to Pierson's Creek including its unnamed tributaries? If yes, identify the substances, estimate the amount of material discharged to or disposed of in Pierson's Creek or its tributaries, the location of the discharges/disposals, and the frequency with which such discharges or disposals occurred. Please provide the results of any sampling of the Creek or unnamed tributaries which may have been done after any discharge or disposal.

RESPONSE:

See the responses to Requests Nos. 9 and 10.

REQUEST NO. 13.

Please identify any leaks, spills, explosions, fires or other incidents of accidental material discharge that occurred at the Property during which or as a result of which any hazardous

substances, pollutants or contaminants, including, but not limited to, the substances identified in your responses to questions 9 or 10, being released on the Property, into the waste water or storm system at the Property, or to Pierson's Creek including its unnamed tributaries. Provide any documents or information relating to these incidents, including the ultimate disposal of any contaminated materials. If available, please provide the results of any sampling of the soil, water, air or other media after any such incident and before and after clean-up.

RESPONSE:

None.

REQUEST NO. 14.

Did the Property ever flood while it was owned or occupied by The Morris Companies? If so, how often did the flooding occur on the Property? Have storm sewer back-ups occurred at the Property, and/or did Pierson's Creek or its unnamed tributaries overflow their banks onto the Property?

RESPONSE:

Neither Morris Wilson nor Morris Newark have any knowledge of flooding at the Property during their periods of ownership.

REQUEST NO. 15.

If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

RESPONSE:

Not applicable.

REQUEST NO. 16.

Is The Morris Companies a successor to any liabilities, including those under CERCLA, of any other company with respect to the Property? If so, please identify the other company, the liabilities to which your company succeeded, and how your company succeeded to the identified liabilities. Please provide copies of any agreements or other records documenting the basis for your answer.

RESPONSE:

No.

REQUEST NO. 17.

Please provide all agreements or contracts, including but not limited to insurance policies, which may indemnify your company or business, and its present or past owners, operators, partners, and/or shareholders, with respect to any liability they be found to have under CERCLA for releases and threatened releases of hazardous substances at the Site.

a. In responding to this request, please provide not only those insurance policies and agreements currently in effect, but also those that were in effect from the date your company began operation at, or acquired ownership of, the Property to the present.

b. If you have not retained such policies but have information concerning them, please provide the following information: i) the name and address of the insurance company; (ii) policy number/account; (iii) the type of coverage provided under each policy; (iv) the commencement and expiration dates for each policy; (v) whether or not the policy contains a "pollution exclusion" clause; and (vi) whether the policy covers or excludes sudden, non-sudden or both types of accidents.

RESPONSE:

a., b. See the June 1, 2004 Prospective Purchaser Agreement between the New Jersey Department of Environmental Protection and Morris Realty Associates, LLC attached as Annex F.

REQUEST NO. 18.

Please provide a detailed description of any civil, criminal, or administrative proceedings against The Morris Companies for violations of any local, state, or federal laws or regulations relating to water pollution or hazardous waste generation, storage, transport, or disposal at or from the Property. Provide copies of all pleadings and depositions or other testimony given in these proceedings.

RESPONSE:

None.

REQUEST NO. 19.

Provide the name, address, telephone number, title, and occupation of the person(s) answering this Request for Information and state whether such person(s) has personal knowledge of the information provided in the responses. In addition, identify each person who assisted in any way in responding to the Request for Information and specify the question to which each person assisted in responding. Please include the names and addresses of former employees who were contacted to respond to any of the questions.

RESPONSE:

Keith Morris, Vice President
The Morris Companies
350 Veterans Boulevard
Rutherford, NJ 07070
kmorris@morriscompanies.com
(201) 804-8700

Sincerely,

/s/ John M. Scagnelli

JOHN M. SCAGNELLI
For the Firm

CERTIFICATION OF RESPONSES TO REQUEST FOR INFORMATION

State of New Jersey

County of Bergen

I certify under penalty of perjury that I am authorized to respond on behalf of Morris Companies, Inc. ("Morris Companies"), based upon knowledge and information its officers may have obtained as the former officer(s) of Morris Wilson Avenue Associates, LLC, Morris Newark Wilson Avenue Associates, LLC and Morris Realty Associates, LLC. I have personally examined and am familiar with the information and all documents submitted in response to EPA's Request for Information, and based on my inquiry of those individuals immediately responsible for obtaining the information I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that Morris Companies is under a continuing obligation to supplement this response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me or Morris Companies after submitting this response.

Executed on 9/23, 2021

KEITH MORRIS
NAME (print or type)

Vice President
TITLE (print or type)



SIGNATURE **Keith E. Morris**
 Vice President

cc: Amelia Wagner, Asst. Regional Counsel
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